

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3764 of 2019**

Arising Out of PS. Case No.-47 Year-2019 Thana- BIDUPUR District- Vaishali

Dayanand Bhagat Son of Late Dora Bhagat Resident of Village - Bajitpur
Saidat, P.S.- Bidupur, Dist.- Vaishali.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mauli Chaurasia
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 01-10-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 19.02.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, Vaishali at Hajipur in Bidupur P.S.
Case No. 47 of 2019 registered under Sections 341, 342, 147,
149, 323, 348, 504, 307, 506 of the Indian Penal Code and
Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Son of the informant was caught hold by the three
F.I.R. named accused persons including the appellant and 20-25



unknown miscreants blaming him thief and was taken at the house of Ward Member Radhika Devi, where he was assaulted tying with electric poll and was also slated by them.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the son of the informant in the name of his caste, and moreover, said slating is said to have been made in the house of Radhika Devi and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Victim has not sustained injury in the occurrence. Learned court below has also not mentioned about injury report after perusing the case diary in the impugned order. Barring one case under Section 498(A) I.P.C. lodged by cousin sister-in-law of the appellant, he has no criminal antecedent. Similarly situated co-accused, namely, Ram Ekbal Singh and Devendra Singh have been enlarged on anticipatory bail by this Court vide order dated 06.09.2019 passed in Cr. Appeal (SJ) No. 3784 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 47 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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